

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-554 substituted “section 1397ee(a)(1)(D)(i)” for “section 1397ee(a)(2)(A)” in introductory provisions.

1997—Subsec. (b)(1)(B)(ii). Pub. L. 105-100, §162(3)(A), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: “is a child whose family income (as determined under the State child health plan) exceeds the medicaid applicable income level (as defined in paragraph (4)), but does not exceed 50 percentage points above the medicaid applicable income level; and”.

Subsec. (b)(4). Pub. L. 105-100, §162(3)(B), substituted “March 31, 1997” for “June 1, 1997” and “1396a(l)(2) or 1396d(n)(2) of this title (as selected by a State)” for “1396a(l)(2) of this title”.

Subsec. (c)(3). Pub. L. 105-100, §162(9), made technical amendment to reference in original act which appears in text as reference to section 300gg-91 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-554 effective as if included in the enactment of section 4901 of Pub. L. 105-33, see section 1(a)(6) [title VIII, §802(f)] of Pub. L. 106-554, set out as a note under section 1396d of this title.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 162 of Pub. L. 105-100 provided in part that the amendment made by that section is effective as if included in the enactment of subtitle J (§§4901-4923) of title IV of the Balanced Budget Act of 1997, Pub. L. 105-33.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1396d, 1397bb of this title.

CHAPTER 7A—TEMPORARY UNEMPLOYMENT COMPENSATION PROGRAM

§§ 1400 to 1400v. Omitted

Section 1400, Pub. L. 85-441, title I, §101, June 4, 1958, 72 Stat. 171; Pub. L. 86-7, Mar. 31, 1959, 73 Stat. 14, authorized payment of temporary unemployment compensation under sections 1400 to 1400k of this title to persons who exhausted their rights under other unemployment compensation laws.

Section 1400a, Pub. L. 85-441, title I, §102, June 4, 1958, 72 Stat. 172, authorized Secretary to enter into agreements with States for payment of temporary unemployment compensation provided for in sections 1400 to 1400k of this title.

Section 1400b, Pub. L. 85-441, title I, §103, June 4, 1958, 72 Stat. 173, made special provision for veterans and Federal employees and for fair hearing and review in denial of such benefits.

Section 1400c, Pub. L. 85-441, title I, §104, June 4, 1958, 72 Stat. 173; Pub. L. 86-778, title V, §524(b), Sept. 13, 1960, 74 Stat. 982; Pub. L. 88-173, §2, Nov. 7, 1963, 77 Stat. 306, provided for repayment of amounts of any temporary unemployment compensation benefits, except benefits paid to veterans and Federal employees, paid under sections 1400 to 1400k of this title through device of reduction of credits allowed under section 3302 of Title 26, Internal Revenue Code.

Section 1400d, Pub. L. 85-441, title II, §201, June 4, 1958, 72 Stat. 174, defined “Secretary”, “State”, and “first claim” as used in sections 1400 to 1400k of this title.

Section 1400e, Pub. L. 85-441, title II, §202, June 4, 1958, 72 Stat. 174, provided for review by appropriate State agency with respect to determinations of entitlement to temporary unemployment compensation under sections 1400 to 1400k of this title.

Section 1400f, Pub. L. 85-441, title II, §203, June 4, 1958, 72 Stat. 174, set out penalties for false statements or representations in connection with payments under sections 1400 to 1400k of this title and provided for recovery of overpayments.

Section 1400g, Pub. L. 85-441, title II, §204, June 4, 1958, 72 Stat. 175, required each State to provide Secretary with whatever information he might require in administering sections 1400 to 1400k of this title.

Section 1400h, Pub. L. 85-441, title II, §205, June 4, 1958, 72 Stat. 175, provided for payments to States of funds for benefits under sections 1400 to 1400k of this title, posting of requisite bonds in connection therewith, and liability of certifying and disbursing officers.

Section 1400i, Pub. L. 85-441, title II, §206, June 4, 1958, 72 Stat. 176, provided for denial of benefits under sections 1400 to 1400k of this title to aliens employed by Communist governments or organizations.

Section 1400j, Pub. L. 85-441, title II, §207, June 4, 1958, 72 Stat. 176, authorized promulgation of rules and regulations by Secretary to carry out provisions of sections 1400 to 1400k of this title.

Section 1400k, Pub. L. 85-441, title II, §208, June 4, 1958, 72 Stat. 176, authorized appropriation of funds necessary to carry out sections 1400 to 1400k of this title.

Section 1400l, Pub. L. 87-6, §2, Mar. 24, 1961, 75 Stat. 8, defined “compensation period”, “first claim”, “State unemployment compensation”, “Secretary”, “State”, “State agency”, “State law”, “temporary extended unemployment compensation”, “title XV”, and “week” as used in sections 1400l to 1400v of this title.

Section 1400m, Pub. L. 87-6, §3, Mar. 24, 1961, 75 Stat. 8, provided for payment of temporary extended unemployment compensation benefits under sections 1400l to 1400v of this title for any period of unemployment between March 24, 1961, and June 30, 1962.

Section 1400n, Pub. L. 87-6, §4, Mar. 24, 1961, 75 Stat. 9, provided for reimbursement by the Federal government of any State unemployment compensation paid under sections 1400l to 1400v of this title in excess of formula amount.

Section 1400o, Pub. L. 87-6, §5, Mar. 24, 1961, 75 Stat. 9, placed limitations on total payments and reimbursements under sections 1400l to 1400v of this title.

Section 1400p, Pub. L. 87-6, §6, Mar. 24, 1961, 75 Stat. 10, set out the covered period for benefits under sections 1400l to 1400v of this title as Mar. 24, 1961, to June 30, 1962.

Section 1400q, Pub. L. 87-6, §7, Mar. 24, 1961, 75 Stat. 10, covered agreements with States for payment and reimbursement of temporary unemployment compensation under sections 1400l to 1400v of this title, amendment, suspension, or termination of such an agreement, denial of benefits, review of determinations by State agencies, and reduction of benefits in certain cases.

Section 1400r, Pub. L. 87-6, §8, Mar. 24, 1961, 75 Stat. 12, provided for payment of benefits under sections 1400l to 1400v of this title to veterans and Federal employees.

Section 1400s, Pub. L. 87-6, §9, Mar. 24, 1961, 75 Stat. 12, set out penalties for making false statements or representations in connection with benefits under sections 1400l to 1400v of this title and provided for recovery of overpayments.

Section 1400t, Pub. L. 87-6, §10, Mar. 24, 1961, 75 Stat. 13, required each State to furnish Secretary with information required to administer program under sections 1400l to 1400v of this title.

Section 1400u, Pub. L. 87-6, §11, Mar. 24, 1961, 75 Stat. 13, made provision for payments to States under sections 1400l to 1400v of this title, certification by Secretary to Secretary of the Treasury for payment of sums to each State, surety bonds, liability of certifying and disbursing officers, and costs of administration.

Section 1400v, Pub. L. 87-6, §12, Mar. 24, 1961, 75 Stat. 14, authorized promulgation by Secretary of rules and regulations necessary to carry out sections 1400l to 1400v of this title.

CHAPTER 8—LOW-INCOME HOUSING

Sec.

1401 to 1404. Omitted.

1404a. Secretary of Housing and Urban Development; right to sue; expenses.

1405, 1406. Omitted.

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1406a.	Expenses of management and operation of transferred projects as nonadministrative; payment.
1406b.	Expenses of uncompensated advisers serving United States Housing Authority away from home.
1406c to 1433.	Omitted or Repealed.
1434.	Records; contents; examination and audit.
1435.	Access to books, documents, etc., for purpose of audit.
1436.	Repealed.
1436a.	Restriction on use of assisted housing by non-resident aliens. <ul style="list-style-type: none"> (a) Conditions for assistance. (b) "Financial assistance" defined. (c) Preservation of families; students. (d) Conditions for provision of financial assistance for individuals. (e) Regulatory actions against entities for erroneous determinations regarding eligibility based upon citizenship or immigration status. (f) Verification system; liability of State or local government agencies or officials; prior consent agreements, court decrees or court orders unaffected. (g) Reimbursement for costs of implementation. (h) "Applicable Secretary" defined. (i) Verification of eligibility.
1436b.	Financial assistance in impacted areas.
1436c.	Insurance for public housing agencies and Indian housing authorities.
1436d.	Consultation with affected areas in settlement of litigation.
SUBCHAPTER I—GENERAL PROGRAM OF ASSISTED HOUSING	
1437.	Declaration of policy and public housing agency organization. <ul style="list-style-type: none"> (a) Declaration of policy. (b) Public housing agency organization.
1437a.	Rental payments. <ul style="list-style-type: none"> (a) Families included; rent options; minimum amount; occupancy by police officers and over-income families. (b) Definition of terms under this chapter. (c) Definition of terms used in reference to public housing. (d) Disallowance of earned income from rent determinations. (e) Individual savings accounts. (f) Availability of income matching information.
1437a-1.	Repealed.
1437b.	Loans and commitments to make loans for low-income housing projects. <ul style="list-style-type: none"> (a) Authority of Secretary; interest rates; repayment date; use as security for obligations of public housing agency. (b) Issuance of obligations by Secretary; limitation on amounts; forms and denominations; terms and conditions; purchase, establishment of maturities and rates of interest, and sale by Secretary of the Treasury.

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	(c) Public and Indian housing financing reforms.
1437c.	Contributions for low-income housing projects. <ul style="list-style-type: none"> (a) Contract authorization; amounts; use as security for obligations of public housing agency; use of existing structures. (b) Maximum amount of contributions; regulations; criteria for rates of contribution. (c) Limitation on aggregate contractual contributions; contracts for preliminary loans; payments of annual contributions; limitations on specific authorities. (d) Scope of contracts for loans or annual contributions. (e) Local determination of need as prerequisite for contracts for preliminary loans, and contracts for loans or annual contributions; notice. (f) Modification by Secretary of terms of contracts, etc.; limitations; amendment or supersession of contracts for annual contributions or loans. (g) Pledge of annual contributions as guarantee of payment of obligations issued by public housing agency; exception. (h) Audits. (i) Prohibition on use of funds.
1437c-1.	Public housing agency plans. <ul style="list-style-type: none"> (a) 5-year plan. (b) Annual plan. (c) Procedures. (d) Contents. (e) Resident advisory board. (f) Notice and hearing. (g) Amendments and modifications to plans. (h) Submission of plans. (i) Review and determination of compliance. (j) Troubled and at-risk PHAs. (k) Streamlined plan. (l) Compliance with plan.
1437d.	Contract provisions and requirements; loans and annual contributions. <ul style="list-style-type: none"> (a) Conditions; elevators. (b) Limitation on development costs. (c) Revision of maximum income limits; certification of compliance with requirements; notification of eligibility; informal hearing; compliance with procedures for sound management. (d) Exemption from personal and real property taxes; payments in lieu of taxes; cash contribution or tax remission. (e) Repealed. (f) Housing quality requirements. (g) Substantial default; conveyance of title and delivery of possession; reconveyance and redelivery; payments for outstanding obligations. (h) New construction contracts.

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	(i) Reserve fund; major repairs.		(t) Enhanced vouchers.
	(j) Performance indicators for public housing agencies.		(u) Assistance for residents of rental rehabilitation projects.
	(k) Administrative grievance procedure regulations; grounds of adverse action, hearing, examination of documents, representation, evidence, decision; judicial hearing; eviction and termination procedures.		(v) Extension of expiring contracts.
	(l) Leases; terms and conditions; maintenance; termination.		(w) Repealed.
	(m) Reporting requirements; limitation.		(x) Family unification.
	(n) Notice to post office regarding eviction for criminal activity.		(y) Homeownership option.
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	(r) Site-based waiting lists.		(cc) Law enforcement and security personnel.
	(s) Authority to require access to criminal records.		(dd) Tenant-based contract renewals.
	(t) Obtaining information from drug abuse treatment facilities.	1437g.	Public housing Capital and Operating Funds.
1437e.	Designated housing for elderly and disabled families.		(a) Merger into Capital Fund.
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	(d) Required plan.		(e) Operating Fund.
	(e) Review of plans.		(f) Negotiated rulemaking procedure.
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1437f.	Low-income housing assistance.		(i) Eligibility of units acquired from proceeds of sales under demolition or disposition plan.
	(a) Authorization for assistance payments.		(j) Penalty for slow expenditure of capital funds.
	(b) Other existing housing programs.		(k) Emergency reserve and use of amounts.
	(c) Contents and purposes of contracts for assistance payments; amount and scope of monthly assistance payments.		(l) Treatment of nonrental income.
	(d) Required provisions and duration of contracts for assistance payments; waiver of limitation.		(m) Provision of only capital or operating assistance.
	(e) Restrictions on contracts for assistance payments.	1437h.	(n) Treatment of public housing.
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	(g) Regulations applicable for implementation of assistance payments.		(a) Preparation and submission of annual budget program; maintenance of accounts; audit by General Accounting Office.
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	(i) Receipt of assistance by public housing agency under other law not to be considered.	1437i.	(c) Federal Reserve banks to act as depositories, custodians and fiscal agents; reimbursement for services.
	(j) Repealed.		Obligations of public housing agencies; contestability; full faith and credit of United States pledged as security; tax exemption.
	(k) Verification of income.	1437j.	Labor standards and community service requirement.
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	(o) Voucher program.		(b) Exception for volunteers.
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	(q) Administrative fees.	1437j-1.	(d) Treatment of income changes resulting from welfare program requirements.
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			(a) Consortia.
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1437m.	Payment of non-Federal share.		(h) Allowable public housing agency administrative fees and costs.
1437n.	Eligibility for assisted housing.		(i) Public housing agency incentive award allocation.
	(a) Income eligibility for public housing.		(j) On-site facilities.
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	(c) Income eligibility for project-based section 1437f assistance.		(l) Reports.
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1437o.	Repealed.		Demolition, site revitalization, replacement housing, and tenant-based assistance grants for projects.
1437p.	Demolition and disposition of public housing.		(a) Purposes.
	(a) Applications for demolition and disposition.		(b) Grant authority.
	(b) Disapproval of applications.		(c) Contribution requirement.
	(c) Resident opportunity to purchase in case of proposed disposition.		(d) Eligible activities.
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1437q.	Financing limitations.		(j) Definitions.
1437r.	Public housing resident management.	1437w.	(k) Grantee reporting.
	(a) Purpose.		(l) Annual report.
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	(c) Assistance amounts.		(n) Sunset.
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1437s.	Public housing homeownership and management opportunities.		(d) Contract between Secretary and manager.
	(a) Homeownership opportunities in general.		(e) Compliance with public housing agency plan.
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	(c) Financial assistance for public housing agencies.	1437x.	(g) Limitation on PHA liability.
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	(e) Regulations.		Environmental reviews.
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	(g) Limitation.		(b) Procedure.
1437t.	Authority to convert public housing to vouchers.	1437z.	(c) Certification.
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1437u.	Family Self-Sufficiency program.		(c) Agency procedures.
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	(b) Establishment of program.		(e) Remedies for noncompliance.
	(c) Contract of participation.	1437z-2.	(f) Settlement by Secretary.
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	(f) Program coordinating committee.		Public housing mortgages and security interests.
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1437z-4.	Resident homeownership programs. (a) In general. (b) Participating units. (c) Eligible purchasers. (d) Right of first refusal. (e) Protection of nonpurchasing residents. (f) Financing and assistance. (g) Downpayment requirement. (h) Ownership interests. (i) Resale. (j) Net proceeds. (k) Homeownership assistance. (l) Inapplicability of disposition requirements.	1437aaa-3. Homeownership program requirements. (a) In general. (b) Affordability. (c) Plan. (d) Acquisition and rehabilitation limitations. (e) Financing. (f) Housing quality standards. (g) Repealed. (h) Protection of non-purchasing families.
1437z-5.	Required conversion of distressed public housing to tenant-based assistance. (a) Identification of units. (b) Consultation. (c) Plan for removal of units from inventories of PHA's. (d) Conversion to tenant-based assistance. (e) Cessation of unnecessary spending. (f) Use of budget authority. (g) Removal by Secretary. (h) Administration.	1437aaa-4. Other program requirements. (a) Sale by public housing agency to applicant or other entity required. (b) Preferences. (c) Cost limitations. (d) Annual contributions. (e) Amounts from Operating Fund allocation. (f) Use of proceeds from sales to eligible families. (g) Restrictions on resale by homeowners. (h) Third party rights. (i) Dollar limitation on economic development activities. (j) Timely homeownership. (k) Capability of resident management corporations and resident councils. (l) Records and audit of recipients of assistance.
1437z-6.	Services for public and Indian housing residents. (a) In general. (b) Eligible activities. (c) Funding distribution. (d) Matching requirement. (e) Funding for resident organizations.	1437aaa-5. Definitions. 1437aaa-6. Relationship to other homeownership opportunities. 1437aaa-7. Limitation on selection criteria. 1437aaa-8. Annual report.
1437z-7.	Mixed-finance public housing. (a) Authority. (b) Assistance. (c) Compliance with public housing requirements. (d) Mixed-finance projects. (e) Structure of projects. (f) Taxation. (g) Use of savings. (h) Effect of certain contract terms.	SUBCHAPTER II-B—HOME RULE FLEXIBLE GRANT DEMONSTRATION 1437bbb. Purpose. 1437bbb-1. Flexible grant program. (a) Authority and use. (b) Period of participation. (c) Participating jurisdictions. 1437bbb-2. Program allocation and covered housing assistance. (a) Program allocation. (b) Covered housing assistance.
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1437aaa-1.	Planning grants. (a) Grants. (b) Eligible activities. (c) Application. (d) Selection criteria.	1437bbb-4. Program requirements. (a) Applicability of certain provisions. (b) Compliance with assistance plan.
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1437bbb-6. Training.
1437bbb-7. Accountability.
 (a) Maintenance of records.
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 (c) Access to documents by Secretary and Comptroller General.
 (d) Performance review and evaluation.
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 (a) Termination.
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SUBCHAPTER III—MISCELLANEOUS PROVISIONS

1438. Repealed.
1439. Local housing assistance plan.
 (a) Applicability of approved plan to housing assistance application; procedure upon receipt of application by Secretary of Housing and Urban Development; definitions.
 (b) Housing assistance applications subject to procedures.
 (c) Repealed.
 (d) Allocation and reservation of housing assistance funds; purposes; prohibited reallocation of unutilized funds; enumerated uses for retained funds; competition for reservation and obligation of funds.
 (e) Assistance payments for properties in Jefferson County, Texas.
1440. State housing finance and development agencies.
 (a) Statement of purpose; participation by private and non-profit developers in activities assisted.
 (b) Determination of eligibility for assistance; definitions.
 (c) Guarantee of obligations issued by agencies; grants to agencies for interest payments on obligations; maximum amount of grants; prerequisites for guarantee; full faith and credit pledged for payment of guarantee; effect and validity of guarantee; fees and charges for guarantee; authorization of appropriations for grants; maximum amount of obligations guaranteed.
 (d) Requirements for guaranteed obligations.
 (e) Revolving fund for payment of liabilities incurred pursuant to guarantees and payment of obligations issued to Secretary of the Treasury; composition; availability, issuance of obligations to Secretary of the Treasury for implementation of guarantees; amount, maturity, rate of interest, and purchase by Secretary of the Treasury of obligations; payment of expenses and charges.
 (f) Technical assistance to agencies for planning and execution of development activities.

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1382a, 1396r-1a, 1404a, 1434, 1436a, 1436b, 1439, 1471, 1485, 1490a, 1502, 1503, 1504, 1586, 1590, 1594c, 1766, 3013, 5153, 5515, 8003, 11903, 12705, 12896, 12910, 14614 of this title; title 12 sections 24, 1441a, 1701r-1, 1715z-1a, 1701z-3, 1701z-11, 1715l, 1831q; title 25 sections 640d-14, 4103, 4111, 4112, 4116, 4133, 4140, 4152, 4181, 4182, 4183, 4191; title 26 section 32.

§§ 1401 to 1404. Omitted

CODIFICATION

Sections 1401 to 1404 were omitted in the general revision of the United States Housing Act of 1937 by Pub. L. 93-383, title II, §201(a), Aug. 22, 1974, 88 Stat. 653.

Section 1401, acts Sept. 1, 1937, ch. 896, §1, 50 Stat. 888; July 15, 1949, 338, title III, §307(a), 63 Stat. 429; Sept. 23, 1959, Pub. L. 86-372, title V, §501, 73 Stat. 679; Aug. 1, 1968, Pub. L. 90-448, title II, §206(a), 82 Stat. 504; Dec. 31, 1970, Pub. L. 91-609, title II, §211, 84 Stat. 1779, set out declaration of policy. See section 1437 of this title.

Section 1402, acts, Sept. 1, 1937, ch. 896, §2, 50 Stat. 888; July 15, 1949, ch. 338, title III, §§302(b), 304(c), (i), 306, 307(b), 63 Stat. 424, 425, 429; Oct. 26, 1951, ch. 577, §1, 65 Stat. 647; June 30, 1953, 170, §24(c), 67 Stat. 128; Aug. 7, 1956, ch. 1029, title IV, §404(a), 70 Stat. 1104; July 12, 1957, Pub. L. 85-104, title III, §307, title IV, §401(a), 71 Stat. 301; Sept. 23, 1959, Pub. L. 86-372, title V, §§502, 503(a), 504, 73 Stat. 680; June 30, 1961, Pub. L. 87-70, title II, §202, 75 Stat. 163; Sept. 2, 1964, Pub. L. 88-560, title II, §203(d), title IV, §401(a), 78 Stat. 784, 794; Aug. 10, 1965, Pub. L. 89-117, title I, §§103(b), 104, 79 Stat. 457; Aug. 1, 1968, Pub. L. 90-448, title II, §209(a), 82 Stat. 505; Dec. 24, 1969, Pub. L. 91-152, title II, §213(a), title IV, §403(a), 83 Stat. 389, 395; Dec. 31, 1970, Pub. L. 91-609, title II, §208(a), title IX, §903(c), 84 Stat. 1778, 1808; Dec. 22, 1971, Pub. L. 92-213, §9, 85 Stat. 776, defined applicability terms. See section 1437a of this title.

Section 1403, acts Sept. 1, 1937, ch. 896, §3, 50 Stat. 889; May 25, 1967, Pub. L. 90-19, §2(b), 81 Stat. 20; Aug. 1, 1968, Pub. L. 90-448, title XVII, §1719(a), 82 Stat. 610, created the United States Housing Authority in the Department of Housing and Urban Development.

Section 1404, acts Sept. 1, 1937, ch. 896, §4, 50 Stat. 889; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972; May 25, 1967, Pub. L. 90-19, §2(a), (c), 81 Stat. 19, 20, provided for assistance of officers, etc., of other agencies and transfer of property to the Authority.

EFFECTIVE DATE OF 1969 AMENDMENT; APPLICABILITY

Section 213(b) of Pub. L. 91-152 provided that the rents fixed by public housing agencies not exceed one-fourth of a low-rent housing tenant's income be effective not later than ninety days after Dec. 24, 1969, and that the requirements not apply in any case in which the Secretary of Housing and Urban Development determined that limiting the rent of any tenant or class of tenants would have resulted in a deduction in the amount of welfare assistance which would otherwise have been provided to the tenant or class of tenants by a public agency.

§ 1404a. Secretary of Housing and Urban Development; right to sue; expenses

The Secretary of Housing and Urban Development may sue and be sued only with respect to its functions under the United States Housing Act of 1937, as amended [42 U.S.C. 1437 et seq.], and title II of Public Law 671, Seventy-sixth Congress, approved June 28, 1940, as amended [42